

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY,
PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA

CRIMINAL DIVISION

VS.

CC No. 201202821

MATTHEW EBO

CHARGES: CRIMINAL
HOMICIDE, ROBBERY,
ROBBERY OF A MOTOR
VEHICLE, PERSONS NOT TO
POSSESS FIREARMS,
CARRYING FIREARM WITHOUT
A LICENSE AND CRIMINAL
CONSPIRACY

COMMONWEALTH'S PETITION
TO AMEND CRIMINAL
INFORMATION

Filed on Behalf of the
Commonwealth of Pennsylvania

STEPHEN A. ZAPPALA, JR.
DISTRICT ATTORNEY

By
Steven M. Stadtmiller
Deputy District Attorney
Pa. I.D. No. 53332

Office of the District Attorney of
Allegheny County
401 Courthouse, 436 Grant St.
Pittsburgh, PA 15219

(412) 350-4407

FILED

2012 MAY 24 AM 8:52

DEPT OF COURT RECORDS
CRIMINAL DIVISION
ALLEGHENY COUNTY PA

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COMMONWEALTH'S PETITION TO AMEND CRIMINAL INFORMATION

TO THE HONORABLE BETH A. LAZZARA:

AND NOW, to-wit, comes the Commonwealth of Pennsylvania, by its attorneys,
STEPHEN A. ZAPPALA, JR., District Attorney of Allegheny County, and Steven M.
Stadtmitter, Deputy District Attorney, and represents the following:

1. Mathew Ebo, (hereinafter "Defendant") is charged at count 1 of the
Criminal Information with Criminal Homicide (18 Pa. C.S.A.
§2501(a)(1)), count 2 Robbery (18 Pa. C.S.A. §3701(a)(1)(i) or (ii)), count
3 Robbery of Motor Vehicle (18 Pa. C.S.A. §3702), count 4 Person Not to
Possess Firearm (18 Pa.C.S.A. §6105), count 5 Carrying Firearm Without

- a License (18 Pa. C.S.A. §6106) and at count 6 with Criminal Conspiracy (18 Pa.C.S.A. §903(a)(1));
2. Count 6 of the Criminal Information currently lists the Criminal Conspiracy to the crime of Murder. The actor, with the intent of promoting or facilitation the crime(s) of Criminal Homicide and/or Robbery conspired and agreed with Thaddeus Crumbley that they or one or more of them would engage in conduct constituting such crime(s) or an attempt or solicitation to commit such crime(s), and in furtherance thereof committed "one or more of the following overt acts: shooting the victim and/or taking the victim's property";
 3. The above-referenced charges arise from an incident on May 16, 2011, in which defendant allegedly conspired and agreed with Thaddeus Crumbley to rob the victim (Todd Mattox). During the incident, Mattox was shot, causing him serious bodily injury resulting in his death;
 4. Defendant was originally charged by Allegheny County Homicide Detective Michael Garlicki in the Police Criminal Complaint with two separate counts of conspiracy. Defendant was originally charged with one count of Criminal Conspiracy to Homicide and a second and separate count of Criminal Conspiracy to Robbery;
 5. On March 27, 2012, during screening of the case by the District Attorney's Office, written notice was given of Commonwealth's partial withdrawal of charges, in which the District Attorney's Office withdrew one of the two charged conspiracy counts, and formed the remaining

conspiracy charge into a single combination conspiracy to Murder and/or Robbery. A Criminal Information was then filed with the combination conspiracy charge;

6. Based on the above alleged facts, defendant should be charged at Count 6 with Conspiracy to Robbery, in that the alleged agreement was to rob Todd Mattox, and in furtherance thereof committed one or more of the following overt acts: brandished a firearm and/or pointed a firearm at the victim and/or shot the victim and/or took the victim's property ;
7. There will be evidence presented that both actors were firing handguns at the victim during this incident. Thus, a reasonable jury could also find that there was a tacit agreement between Defendant and Thaddeus Crumbley to kill the victim. Accordingly, defendant should be charged at count 7 with Conspiracy to Murder Todd Mattox, and in furtherance thereof committed one or more of the following overt acts: brandished a firearm and/or pointed a firearm at the victim and/or shot the victim;
8. This case is currently scheduled for trial before this Honorable Court on June 11, 2012;
9. The Commonwealth herein moves to amend the within Criminal Information as described above. Count 6 Conspiracy should be conspiracy to the crime of Robbery, Thaddeus Crumbley having conspired and agreed with Matthew Ebo, having committed one or more of the following overt acts: "brandished a firearm and/or pointed a firearm at

Todd Mattox and/or robbed and/or shot Todd Mattox and/or took the victim's property" (Exhibit A);

10. Additionally, the Commonwealth herein moves to amend the within Criminal Information as described above, to add Count 7, Conspiracy to Murder, Thaddeus Crumbley having conspired and agreed with Matthew Ebo, having committed one or more of the following overt acts:
brandished a firearm and/or pointed a firearm at Todd Mattox and/or shot Todd Mattox. (Exhibit A);
11. The Defendant would not be prejudiced by these amendments, as the charges involve the identical basic elements and evolve out of the same factual situation as the crimes charged in the original Police Criminal Complaint and the Criminal Information. Commonwealth v. Grekis, 601 A.2d 1284, 1289 (Pa. Super 1992). Further, the Defendant has known the facts that support the proposed amendments since the time that the complaint was filed. *Id.*

WHEREFORE, the Commonwealth respectfully requests that count 6 (six) of the Criminal Information filed in the above-captioned case be amended to reflect that the conspiracy alleged at that count is a conspiracy to the crime of Robbery, that defendant allegedly conspired and agreed with Thaddeus Crumbley to commit said Robbery, and that in furtherance thereof did as a principal or accomplice, commit one or more of the following overt acts: "brandished a firearm and/or pointed a firearm at the victim and/or took the victim's property and/or attempted to rob and/or shot Todd Mattox".

Additionally, the Commonwealth respectfully requests that count 7 (seven) be added to the Criminal Information filed in the above captioned case for the Crime of Criminal Conspiracy to the crime of Murder, that the defendant conspired and agreed with Thaddeus Crumbley to commit the crime of Criminal Homicide, and in furtherance thereof did, as a principal or accomplice, commit one or more of the following overt acts: "brandished a firearm and/or pointed a firearm at the victim and/or shot the victim Todd Mattox".

Respectfully submitted,

STEPHEN A. ZAPPALA, JR.
DISTRICT ATTORNEY

By:



STEVEN M. STADTMILLER
DEPUTY DISTRICT ATTORNEY

"Exhibit A"
CC201202821

Commonwealth of Pennsylvania

vs

Matthew Lamar Ebo

CC No. CC201202821

Offense Date 05/16/2011

O.T.N. No. G 547703-2

Filed Date 12/07/2011

B.C.I. No.

Pre-Trial Date 03/27/2012

S.I.D. No. 27027024

180/365 Dates 06/04/2012 / 12/06/2012

Race Black

F / A Date 04/04/2012

Sex Male

Judge

SS # [REDACTED]

Reporter

D.O.B. [REDACTED]

Minute Clerk

A.D.A. Steven M Stadtmiller

SEE ATTACHED SHEET CASE(S) TO BE LINKED

Count 1: 182501A: CRIMINAL HOMICIDE

Count 2: 183701A1I: ROBBERY- SERIOUS BODILY INJURY

Count 3: 183702A: ROBBERY OF MOTOR VEHICLE

Count 4: 186106A1: CARRYING FIREARM WITHOUT A LICENSE

Count 5: 186105C: PERSON NOT TO POSSESS A FIREARM

Count 6: 18903A1: CRIMINAL CONSPIRACY

Count 7: 18903A1: CRIMINAL CONSPIRACY

Respondents' Exhibit 4

CASE(S) LINKED TOGETHER:

COMMONWEALTH V. MATTHEW LAMAR EBO

CC201111428 No Date

Judge:

D/A: Lawrence E Sachs

CC201113358 No Date

Judge:

D/A: Lawrence E Sachs

THADDEUS THOMAS CRUMBLEY

CC201202820 No Date

Judge:

D/A: Steven M Stadtmiller

**IN THE COURT OF COMMON PLEAS
COUNTY OF ALLEGHENY
CRIMINAL DIVISION**

COMMONWEALTH OF PENNSYLVANIA

VS.

MATTHEW LAMAR EBO

Criminal Action No. CC201202821

The District Attorney of ALLEGHENY County, by this information charges that on (or about) Monday, the 16th day of May, 2011 in the said County of ALLEGHENY, MATTHEW LAMAR EBO hereinafter called actor, did commit the crime or crimes indicated herein, that is:

Count 1 CRIMINAL HOMICIDE Murder

The actor intentionally, knowingly, recklessly or negligently caused the death of Todd Mattox another human being, in violation of Section 2501 (a) of the Pennsylvania Crimes Code, Act of December 6, 1972, 18 Pa. C.S. §2501(a), as amended.

Count 2 ROBBERY- SERIOUS BODILY INJURY Felony 1

The actor in the course of committing a theft, either inflicted serious bodily injury upon Todd Mattox threatened that person or persons with, or put that person or persons in fear of immediate serious bodily injury, in violation of Section 3701(a)(1)(i) or (ii) of the Pennsylvania Crimes Code, Act of December 6, 1972, 18 Pa. C.S. §3701 (a)(1)(i) or (ii).

Count 3 ROBBERY OF MOTOR VEHICLE Felony 1

The actor stole or took a motor vehicle, namely, a Nissan Sentra, from another person in the presence of that person or any other person in lawful possession of the motor vehicle, namely Todd Mattox, in violation of Section 3702 of the Pennsylvania Crimes Code, Act 28 of June 8, 1993, 18 Pa. C.S. §3702, as amended.

Count 4 CARRYING FIREARM WITHOUT A LICENSE Felony 3

The actor carried, without a license therefore as provided by Chapter 61, Subchapter A of the Pennsylvania Crimes Code, 18 Pa. C.S. §6101 et. seq., a firearm concealed on or about his person, or in a vehicle, in violation of Section 6106 of the Pennsylvania Crimes Code, Act of December 6, 1972, 18 Pa. C.S. §6106, as amended.

Count 5

PERSON NOT TO POSSESS A FIREARM

Misdemeanor 1

The actor possessed, used, controlled, sold, transferred, manufactured or obtained a license to possess, use, control, sell, transfer or manufacture a firearm, said actor being a person who was adjudicated delinquent of Rape and/or Aggravated Assault in violation of Section 6105(a)(1) and (c) of the Pennsylvania Crimes Code, Act of December 6, 1972, 18 Pa.C.S. §6105(a)(1) and (c), as amended.

Count 6

CRIMINAL CONSPIRACY

Felony 1

The actor, with the intent of promoting or facilitating the crime(s) of Robbery, conspired and agreed with Thaddeus Crumbley that they or one or more of them would engage in conduct constituting such crime(s) or an attempt or solicitation to commit such crime(s), and in furtherance thereof committed one or more of the following overt acts: brandished a firearm and/or pointed a firearm at Todd Mattox and/or robbed and/or shot Todd Mattox and/or took the victim's property, in violation of Section 903 (a) (1) of the Pennsylvania Crimes Code, Act of December 6, 1972, 18 Pa. C.S. §903 (a)(1), as amended.

Count 7

CRIMINAL CONSPIRACY

Murder

The actor, with the intent of promoting or facilitating the crime(s) of Murder conspired and agreed with Thaddeus Crumbley that they or one or more of them would engage in conduct constituting such crime(s) or an attempt or solicitation to commit such crime(s), and in furtherance thereof committed one or more of the following overt acts: brandished a firearm and/or pointed a firearm at Todd Mattox and/or shot Todd Mattox, in violation of Section 903 (a) (1) of the Pennsylvania Crimes Code, Act of December 6, 1972, 18 Pa. C.S. §903 (a)(1), as amended.

All of which is against the Act of Assembly and the peace and dignity of the Commonwealth of Pennsylvania.

Attorney for the Commonwealth

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FIREARM, CARRYING FIREARM
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CRIMINAL CONSPIRACY

AFFIDAVIT

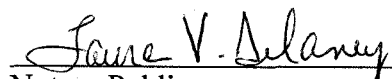
BEFORE ME, the undersigned authority for and in said County and State,
personally appeared Steven M. Stadtmiller, Deputy District Attorney, who, being duly
sworn according to law, deposes and says that the statements contained in the foregoing
are true and correct to the best of his knowledge, information, and belief.

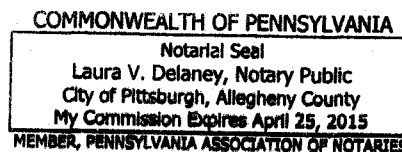

STEVEN M. STADTMILLER
DEPUTY DISTRICT ATTORNEY

SWORN to and SUBSCRIBED

Before me, this 24th day of

May, 2012.


Notary Public



IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY,
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WITHOUT A LICENSE, AND
CRIMINAL CONSPIRACY

PRELIMINARY ORDER

AND NOW, to-wit, this _____ day of _____, 2012, it is hereby
ORDERED, ADJUDGED and DECREED that the Commonwealth's Petition to Amend
Criminal Information shall be heard and disposed of on the _____ day of
_____, 2012, at _____ (a.m.)(p.m.).

BY THE COURT:

_____, J.

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY,
PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA

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ORDER OF COURT

AND NOW, to-wit, this ____ day of _____, 2012, it is hereby ORDERED, ADJUDGED, and DECREED that the Criminal Information filed in the above-captioned case be and is hereby AMENDED at count 6 to read that the alleged conspiracy was to the crime of Robbery, and that the actor conspired and agreed with Thaddeus Crumbley to commit such crime, and in furtherance thereof did as a principal or an accomplice, commit one or more of the following overt acts: "brandished a firearm and/or pointed a firearm at the victim and/or attempted to rob and/or shot Todd Mattox", in violation of section 903(a)(1) of the Pennsylvania Crimes Code, Act of December 6, 1972, 18 Pa. C.S. §903(a)(1).

It is further Ordered that the Criminal Information filed in the above-captioned case be and is hereby AMENDED to add Count 7, Criminal Conspiracy to the crime of

Murder, that the defendant conspired and agreed with Thaddeus Crumbley to commit the crime of Criminal Homicide, and in furtherance thereof did, as a principal or accomplice, commit one or more of the following overt acts: brandished a firearm and or pointed a firearm at the victim and/or shot the victim Todd Mattox.

BY THE COURT:

_____, J.

CERTIFICATE OF SERVICE

I hereby certify that, on this 23rd day of May, 2012, I have caused to be delivered a true and correct copy of the within motion to:

VIA FIRST CLASS MAIL:

Randall H. McKinney, Esquire
429 Forbes Avenue, Suite 1400
Pittsburgh, PA 15219

The Honorable Beth A. Lazzara
Fifth Floor
Allegheny County Courthouse
Pittsburgh, PA 15219

Helen M. Lynch, Esquire
Court administrator
Room 535 Courthouse
Pittsburgh, PA 15219


STEVEN M. STADTMILLER
DEPUTY DISTRICT ATTORNEY